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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,283	02/25/2004	Michael L. Callaghan	BING-1-1057	4004

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pahmeier et al., 5,359,542.

3. Pahmeier et al. disclose providing a sensor module adapted to monitor a plurality of scanning regions proximate the lift device for the presence of an approaching object and to detect the approaching object prior to physical contact with the approaching object; and monitoring the plurality of scanning regions along a scanning axis for an approaching object; moving at least a portion of the lift device using a drive assembly; detecting an approaching object within at least one of the scanning regions proximate to the lift device; and interrupting the operation of the drive assembly in response to the detection of the approaching object on lines 18-35, on column 2. Pahmeier et al. do not disclose wherein at least two of the scanning regions are approximately orthogonally disposed relative to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the scanning regions and any way including orthogonally because it is a design choice that would depend on the individual situation.

### ***Allowable Subject Matter***

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4. Claims 1-5, 7-15, 17-27, 28-37, 41, and 43 are allowed.
5. Claims 39, 40, and 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a through beam emitter and receiver used to detect when a lift device is about to collide with another object; a plurality of modules attached to a surface, each module adapted to hold a plurality of sensors, each module including at least one first sensor attached to the module adapted to detect objects proximate to the module and to transmit a corresponding first detection signal, at least one through-beam receiver attached to the module adapted to detect a light beam that may be interrupted by the proximity of objects and to transmit a corresponding second detection signal, and at least one through- beam emitter attached to the module adapted to emit a light beam that may be interrupted by the proximity of objects, the plurality of modules positioned with respect to the surface with the at least one through-beam emitter of a module being in optical communication with the at least one through-beam receiver of an adjoining module, and to transmit a corresponding third detection signal; a display that includes a directional display to display a direction the lift device will move if the at least one drive is activated; and a direction indicator to indicate the angle the steering mechanism is orientated.

***Response to Arguments***

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7. Applicant's arguments filed 5-26-06 have been fully considered but they are not persuasive. The prior art clearly discloses using non-contact sensors.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

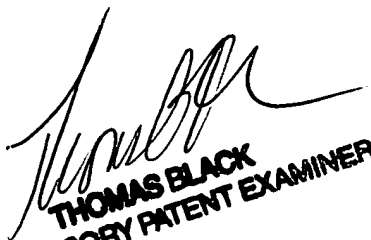
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
**THOMAS BLACK**  
**SUPERVISORY PATENT EXAMINER**